

extruder comprising an extrusion die and producing extruded filaments of said mixture and at the exit of the extrusion die a tool for chopping the extruded filaments or extrudate, wherein said tool is equipped with cutters in the form of blades having a first and second face parallel with one another, the first of which is inclined towards the second, thus forming a cutting edge, the second face being recessed so as to leave a strip of a width of less than 1mm which comprises the cutting edge, whereby the shape of the particles obtained by chopping the extruded filaments is directly spheroidal without any additional spheroidal shaping step.

REMARKS

Rejection under 35 U.S.C. § 112, second paragraph

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, said claim 4 referring to the figures, rather than specifically claiming the invention. Claim 4 has been cancelled.

New claim 6 meets that rejection.

Rejection under 35 U.S.C. § 102

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 3,594,470 to Borodkin (hereinafter US '470). Claims 1 and 2 have been cancelled.

In view of the new claims that rejection is moot.

Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 96/14058 to Oshlack et al. (hereinafter WO '058)

That rejection is respectfully traversed.

Although Claims 3 and 4 have been cancelled, it is to be pointed out that the claimed method is original. New claim 5 has been drafted for better emphasizing said originality which comes from the fact that said method comprises the supplemental step of maturing before extrusion.

Oshlack et al. does not disclose a maturing step.

Thus the rejection is not well founded.

Rejection under 35 U.S.C. § 103

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 3,594,470 to Borodkin as applied to claims 1 and 2 above.

In view of the new claims, that rejection is moot. Claims 1 and 2 have been cancelled.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/14058 to Oshlack et al. as applied to claims 3 and 4 above.

Although Claims 1-4 have been cancelled, the rejection thereof is respectfully traversed.

As already stated here above the claimed process is original due to the fact that it recites a maturing step. This is reflected in new Claim 5.

In that respect the Examiner has stated that the

“... heating step before extrusion....”

referred to by Oshlack et al. reads on the applicant's claimed maturing step.

In fact Oshlack et al in no case neither discloses nor suggests a maturing step consisting in maintaining before extrusion the mixture of the active substance and

the thermoplastic material at a temperature and for a time respectively selected in the range from 20°C to 70°C and in the range from 30 minutes to 150 hours.

In the contrary, Oshlack et al, see for instance Page 17, lines 14-21, teaches heating the mixture inside the extruder in view of the extrusion and than extruding it.

The knowledge of Borodkin and Oshlack, in other words the combined teaching of both references in no way suggests a maturing step, in other words the maintaining of the mixture of active substance and thermoplastic material at a selected temperature during at least 30 minutes.

Thus the claimed method, which permits achieving the unexpected and surprising effects set forth in claim 5 is unobvious over the combined caching of Borodkin and Oshlack.

Claim 6, an apparatus claim is unobvious for similar reasons.

From the foregoing amendments and arguments and taking into consideration the newly presented Claims 5 and 6 and cancelled Claims 1 to 4, it appears that the Application is now in proper form and patentable over the prior art.

Reconsideration and allowance are therefore respectfully solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the foregoing AMENDMENT, re 09/402,564, is being deposited in duplicate with the United States Postal Service, as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, this 30th day of November 2000.

  
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